

## Coast Guard, DHS

## §4.05-12

immediate notification requirement of this section.

[CGD 94-030, 59 FR 39471, Aug. 3, 1994, as amended by USCG-2000-6927, 70 FR 74676, Dec. 16, 2005; USCG-2006-25556, 72 FR 36330, July 2, 2007; USCG-2011-0618, 76 FR 60754, Sept. 30, 2011]

### §4.05-2 Incidents involving foreign tank vessels.

(a) *Within the navigable waters of the United States, its territories, or possessions.* The marine casualty reporting and investigation criteria of this part apply to foreign tank vessels operating on the navigable waters of the United States, its territories, or possessions. A written marine casualty report must be submitted under §4.05-10 of this chapter.

(b) *Outside the U.S. navigable waters and within the Exclusive Economic Zone (EEZ).* The owner, agent, master, operator, or person in charge of a foreign tank vessel involved in a marine casualty must report under procedures detailed in 33 CFR 151.15, immediately after addressing resultant safety concerns, whenever the marine casualty involves, or results in—

(1) Material damage affecting the seaworthiness or efficiency of the vessel; or

(2) An occurrence involving significant harm to the environment as a result of a discharge, or probable discharge, resulting from damage to the vessel or its equipment. The factors you must consider to determine whether a discharge is probable include, but are not limited to—

(i) Ship location and proximity to land or other navigational hazards;

(ii) Weather;

(iii) Tide current;

(iv) Sea state;

(v) Traffic density;

(vi) The nature of damage to the vessel; and

(vii) Failure or breakdown aboard the vessel, its machinery, or equipment.

[USCG-2000-6927, 70 FR 74676, Dec. 16, 2005]

### §4.05-5 Substance of marine casualty notice.

The notice required in §4.05-1 must include the name and official number of the vessel involved, the name of the vessel's owner or agent, the nature and

circumstances of the casualty, the locality in which it occurred, the nature and extent of injury to persons, and the damage to property.

[CGD 76-170, 45 FR 77441, Nov. 24, 1980]

### §4.05-10 Written report of marine casualty.

(a) The owner, agent, master, operator, or person in charge shall, within five days, file a written report of any marine casualty required to be reported under §4.05-1. This written report is in addition to the immediate notice required by §4.05-1. This written report must be delivered to a Coast Guard Sector Office or Marine Inspection Office. It must be provided on Form CG-2692 (Report of Marine Accident, Injury or Death), supplemented as necessary by appended Forms CG-2692A (Barge Addendum) and CG-2692B (Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident).

(b) If filed without delay after the occurrence of the marine casualty, the report required by paragraph (a) of this section suffices as the notice required by §4.05-1(a).

[CGD 94-030, 63 FR 19192, Apr. 17, 1998, as amended by USCG-2006-25556, 72 FR 36330, July 2, 2007]

### §4.05-12 Alcohol or drug use by individuals directly involved in casualties.

(a) For each marine casualty required to be reported by §4.05-10, the marine employer shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty.

(b) The marine employer shall include in the written report, Form CG-2692, submitted for the casualty information which:

(1) Identifies those individuals for whom evidence of drug or alcohol use, or evidence of intoxication, has been obtained; and,

(2) Specifies the method used to obtain such evidence, such as personal observation of the individual, or by chemical testing of the individual.

(c) An entry shall be made in the official log book, if carried, pertaining to those individuals for whom evidence of